

**From:** Bill Hay  
**To:** Microsoft ATR  
**Date:** 1/23/02 11:26am  
**Subject:** Microsoft Settlement

Dear Sir,

I am writing to you with regard to the Proposed Settlement in the Microsoft Antitrust case. Although I am a US Citizen I live in Britain and as such I am rarely concerned with the details of the US government and justice system. However the outcome of this action affects me here in Britain as Microsoft's monopoly is extant throughout most of the free world.

As a computer professional I am familiar with the practical means by which Microsoft has abused its monopoly power to crush the competition. Having examined the proposed judgement I do not think it will provide sufficient restraint on Microsoft's Conduct to prevent it from abusing its position.

In order to allow other companies, groups or individuals to compete fairly against Microsoft they need access to details of the currently undocumented APIs, network protocols and file formats that Microsoft uses. Companies that are not monopolies do not benefit from concealing this information as evidenced by the far more liberal distribution of such information by Microsoft when its monopoly was less complete. With the advent of the internet and print-on-demand technologies providing this information without restriction to all who might want it can be done cheaply and efficiently.

The proposed judgement:

- i) Does not require disclosure of file formats.
- ii) Greatly restricts the APIs which must be disclosed and the purposes for which this information can be used.
- iii) Leaves the disclosure of network protocols subject to an unspecified license on "reasonable terms". There are few bodies other than the US government with the resources to litigate whether a Microsoft license is reasonable.

The proposed judgement should be revised to ensure that details of all APIs, file formats and network protocols are available for use by competitors, both commercial and non-commercial, both open-source and closed source.

Yours Sincerely

William S Hay

